

## The Des Moines Register

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On the witness stand, Nancy Ziegenmeyer identifies her assailant.

### IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

On Sunday, Feb. 25, 1990, The Des Moines Register published the first of five consecutive parts of an emotional, gripping and powerful story. It is the story of a rape: the rape of Nancy Ziegenmeyer, a 29-year-old woman from a small Iowa town.

It is an unusual story for a newspaper to publish. Some of those unusual circumstances — the victim's decision to be identified and to share her feelings throughout her 14-month ordeal; the graphic description of the rape; the infusion of race as an issue in the reporting of this rape — prompted Geneva Overholser, editor of The Register, to write a column that appeared on the same day as the first installment.

Her column appeared that day on the front page of The Register's opinion section. It appears in this reprint on Page 16.

## IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

# A victim's struggle: Staring down the cruel stigma of rape

By JANE SCHORER

Register Staff Writer

She would have to allow extra driving time because of the fog.

A heavy gray veil had enveloped Grinnell overnight, and Nancy Ziegenmeyer — always methodical, always in control — decided to leave home early for her 7:30 a.m. appointment at Grand View College in Des Moines.

It was Nov. 19, 1988, a day Ziegenmeyer had awaited eagerly, because she knew that whatever happened during those morning hours in Des Moines would determine her future. If she passed the state real-estate licensing exam that Saturday morning, she would begin a new career. If she failed the test, she would continue the child-care service she provided in her home.

At 6 a.m., Ziegenmeyer unlocked the door of her 1988 Pontiac Grand Am and tossed her long denim jacket in the back seat. The weather was mild for mid-November, and her Gloria Vanderbilt denim jumper, red turtleneck sweater and red wool tights would keep her warm enough without a coat.

### Arrived Early

The fog lifted as Ziegenmeyer drove west on Interstate Highway 80, and she made good time after all. The digital clock on the dashboard read 7:05 as she pulled into a parking lot near Grand View's Science Building. She had 25 minutes to sit in the car and review her notes before test time.

Suddenly the driver's door opened. She turned to see a man, probably in his late 20s, wearing a navy pin-striped suit. He smelled of alcohol.

"Move over," the man ordered, grabbing her neck. She instinctively reached up to scratch him, but he was stronger than she was. He pushed a white dish towel into her face and shoved her into the front passenger seat, reclining it to a nearly horizontal position. Then he took her denim jacket from the back seat and covered her head.

He wasn't going to hurt her, the man said; he wanted money. She reached toward the console for the only cash she had with her — \$3 or \$4 — and gave it to him. He slid the driver's seat back to make room for his long legs, started the car and drove out of the parking lot.

"Is this guy going to kill me?" Ziegenmey-

er wondered. "Is he going to rape me? Does he just want my money? Does he want my car?" She thought about her three children — ages 4, 5 and 7 — and realized she might never see them again.

### Barrage of Questions

The man talked constantly. He asked what she was doing in the parking lot. He asked where she worked. When she said she didn't have a job, he asked how she paid for such a nice car. He noticed cigarette butts in the ashtray and said, "You must smoke like a chimney."

Ziegenmeyer wriggled under the coat, trying to see out, and the man pushed her down.

"Don't look at me!" he yelled.

They drove for a few minutes and pulled into a driveway — it sounded like gravel beneath the tires — and the man honked the horn twice, as if to signal someone. Ziegenmeyer peeked from under the coat and saw a large, older, light-green house. They waited maybe 45 seconds, then backed out of the driveway, and she saw another house with the number 1320 on a porch pillar.

The man kept talking. He talked about white people, and about how his father had been killed by a white man. He talked about how his sister had been raped by a white man. He talked about slavery and the things that white people did to black slaves.

Then he told Ziegenmeyer he would not kill her, because he knew what it was like to grow up without a parent.

### And More Questions

The sky was growing lighter, but few cars were on the streets at that hour on a Saturday morning. Nov. 19, 1988 — just two weeks past the presidential election.

"Did you vote?" the man asked.

"No," she lied. She knew never to discuss politics or religion with temperamental people.

"Well, if you had voted, who would you have voted for?" he asked.

She hesitated. A staunch Democrat, she tried to think which candidate this man would favor.

"Bush," she lied again.

"It figures, because you're a white bitch," he said.

The man pulled into a deserted parking lot







The scene of the crime revisited: Nancy Ziegenmeyer in a parking lot where she was raped in November 1988 — 30 minutes that changed her life.



# IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY



Nancy Ziegenmeyer remembers the aftermath of being raped: "Nancy," Detective Ralph Roth told her during questioning at the hospital, "you don't have to keep telling us that he made you do it. We know he made you do it."

and stopped the car. Ziegenmeyer caught a glimpse of a building in the distance — a church, perhaps — and noticed its unusual crooked eavespouts.

The man unzipped his trousers, grasped his penis and ordered Ziegenmeyer to put it in her mouth. If she hurt him, he said, he would kill her.

After a while, the man rolled her over so that her abdomen was on the console between the two front seats and attempted anal intercourse. Then he rolled her over to her back, and forced himself into her.

"Does that feel good?" he asked her. "Have you ever made love with a black man before?"

Ziegenmeyer's mind was blank, except

for one thought: "This isn't really happening to me."

After he had ejaculated, he moved back to the driver's seat and pulled up his trousers.

"I hope you didn't give me AIDS, you white bitch," he said.

He began driving again. Eventually he returned to the parking lot of the church with the crooked eavespouts.

"Are these real?" the rapist asked, removing Ziegenmeyer's wedding band and diamond engagement ring.

She told him they were. He slipped them in his shirt pocket, and wiped her fingers, hands and arms with the white dish towel. Then he thoroughly wiped everything he might have touched in the vehicle.

## "You'll be OK; You Can Afford It"

The man told Ziegenmeyer he had a car in the neighborhood, and he would follow her to the interstate to make sure she left Des Moines without going to the police. "I should tie you up and throw you in the trunk," he said. "I should tie you up and throw you in the river."

He grabbed her book bag containing her real estate books, notebooks, purse and glasses. Now he had her address, and he said he'd come after her family if she went to the police. He ordered her to lie down across the floor of the front seat, then covered her with the denim coat.

"You'll be OK," the man told her. "You're

white, and you can go home to your husband and you can afford to get a counselor. You'll get through this and be just fine."

He ordered her to stay on the floor for 10 minutes. "If you do go to the police," he said, "tell them you were attacked by a white man, and that's all you know."

He left her then, but Ziegenmeyer didn't wait 10 minutes to get up.

As soon as she heard the car door slam, she stretched her arm as far as she could reach and pushed down the lock of the driver's door.

She wanted to go home.

Nancy Ziegenmeyer, rape victim, wanted just to get out of that place and go home. But she was lost in an unfamiliar city.

The clock on the car's dashboard read approximately 7:35. Only half an hour had passed.

She began to drive, turning here and there, until she recognized Mercy Hospital Medical Center, where her children had been for doctors' appointments. She parked her car in the lot and ran into the emergency room — not for medical attention, but just to be safe from a world that suddenly had turned on her.

Once inside, she became hysterical.

"I've just been raped," she cried. A nurse whisked her away from a waiting room of shocked, nameless faces. Within minutes, hospital workers called Polk County Victim Services, and sexual assault counselor Dee Ann Wolfe was on her way.

**"Don't Call the Police"**

Aunt Doris lived in Des Moines, Ziegenmeyer told the nurse, but her phone number was in the purse that the rapist had stolen. The nurse patiently scoured the phone book until she found the number. Aunt Doris would be there shortly.

There were more calls to make, the nurse suggested.

"No," Ziegenmeyer protested. "Don't call the police. I've seen this kind of thing on TV." She knew that people often assumed rape victims provoked the attack themselves.

The nurse's voice was calm and gentle. After a while, she persuaded Ziegenmeyer to report the crime.

They took her clothes away; Dee Ann Wolfe brought a shapeless gray sweatsuit for her to wear home. They combed her hair and clipped her nails and labeled everything as evidence. They examined her from head to toe. Two vaginal swabs were marked "A" and "B."

Des Moines police officer Nancy LaMasters-Kappel dusted Ziegenmeyer's car for fingerprints, and officer Richard Brewer took her statement, noting that she was enormously upset. Detective Ralph Roth was called to assist.

"Nancy," Roth said softly during the questioning, "you don't have to keep telling us that he made you do it. We know he made you do it."

Saturday was Steve Ziegenmeyer's day

off from his job as a mechanic at Grinnell Implement. He fixed breakfast for the kids and wondered how Nancy was doing on her real-estate exam in Des Moines.

The phone rang. Aunt Doris? Why on Earth would she be calling?

Nancy was at the hospital, Doris said, and needed to talk to him.

There's been a car accident, Steve thought.

Then Nancy was on the phone, crying and asking him not to blame her, please not to hate her. She wanted him to stay home in Grinnell with their kids, because that man had her purse and her address book and he threatened to come after them if she went to the police.

It was not yet 9 o'clock on a Saturday morning. It was his day off. The kids were giggling and eating Cheerios, and a voice on the telephone was telling him that the woman he loved had just been raped.

Steve and Nancy Ziegenmeyer have lived around Grinnell their entire lives. Theirs is a peaceful central Iowa community of 7,600. Grinnell College, an exclusive private school, boosts the population by 1,270 and employs a host of respected educators and internationally known figures.

Still, most of the citizens of Grinnell could be termed average folks. The Ziegenmeyers aren't college professors, civic leaders or even regular church-goers. The parents of three young children, their world includes a mortgaged home, a juggling act of kids' activities at school and frequent tired arguments, more often than not over in-laws.

**Man of Few Words**

Steve Ziegenmeyer, 34, is a man of few words; the few he uses aren't always genteel. He's fond of cold beer, denim clothes and Western boots. He hasn't worn a suit since he was a pallbearer at a funeral several years ago.

Nancy Jo Ziegenmeyer, 29, previously worked as manager of the lounge at Motel Grinnell just off Interstate 80.

"She was probably one of the best managers we ever had," said Darlene Campbell, co-owner of the motel. "If there was a problem, she handled it. We never had to worry about getting called."

An attractive woman, Nancy always dressed in the latest fashion, her former employer said. She had an outgoing personality and a bubbly charm that made her immediately likable. She was great for that type of business.

But she quit her job at the bar. The things most important to her, she decided, were Steve, her children and building a satisfying career. She started a child-care service, but what she really wanted was to become a licensed real-estate sales agent.

**A Pampered Life**

Fine, Steve said. If that was what she wanted, that's what she would have. Nancy had been raised by her grandparents, and Steve always told her she was too pampered. There had never been anything bad happen

in her life, Steve said, that Grandpa couldn't make all better for her.

That was until Nov. 19, 1988 — the day Nancy Ziegenmeyer went to Des Moines to take the real-estate licensing exam. The day Grandpa's outgoing, bubbly little Nancy Jo was raped.

**Dec. 1, 1988. Bingo.**

Detective Roth had been keeping an eye on area pawn shops, and, sure enough, the stolen wedding rings had surfaced.

Two days after the attack, they were pawned for \$30 at Des Moines Gold and Silver Buyers Inc. by a woman named Lisa Davis. Roth went to Davis' home to talk about the rings. He was greeted by a man in his late 20s. Roth would learn the man was Bobby Lee Smith, Davis' common-law husband and a counselor for troubled youth with the Iowa Department of Human Services. Davis wasn't home, Smith said.

Roth did a check on Bobby Lee Smith. In 1982, the record showed, he had pleaded guilty of third-degree theft and was sentenced to two years' probation. In 1985, he pleaded guilty to a charge of carrying weapons and was fined \$200. In June 1987, he pleaded guilty of second-degree robbery and was sentenced to a 10-year prison term but was granted parole.

**100 Percent Certain**

Roth drove to Grinnell and showed Ziegenmeyer photographs of six suspects. She was 50 percent sure, she said, that one of the photos was the man who had assaulted her, but she needed a better picture. Accusing a man of rape is a serious matter, and she wanted to be sure.

Roth prepared another set of photos, and Nancy and Steve drove to Des Moines to view them. In that batch, the middle photo, bottom row, was the man who had raped her, she said. She was 100 percent sure.

Nancy Ziegenmeyer had twice identified photos of Bobby Lee Smith.

Dec. 8, 1988. Smith was arrested, and two navy pinstriped suits were confiscated at his home. He was charged with two counts of kidnapping in the first degree, one involving Ziegenmeyer and one involving an Indianola woman who was assaulted two days earlier.

First-degree kidnapping charges include sexual assault, and conviction carries a mandatory sentence of life in prison without parole.

Smith pleaded innocent to both counts.

Lisa Davis was arrested on a preliminary complaint of accessory after the fact in connection with the theft of the rings. She later was charged with third-degree theft, and she pleaded innocent.

Now there would be a trial. Criminal case No. 41733, the State of Iowa vs. Bobby Lee Smith.

Nancy Ziegenmeyer would be called as a witness. The trial was expected to begin within 90 days. In the meantime, the Polk County attorney's office said it would keep in touch.



## IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

# Rape victim's survival strategy: 'I'm a person, not a statistic; I'm going to fight like hell'

By JANE SCHORER  
Register Staff Writer

The new year 1989 did not dawn brightly for Nancy Ziegenmeyer. Just six weeks had passed since a man forced his way into her car at a Des Moines parking lot and raped her. The man was in jail, but the image of his face was still in front of her each time she closed her eyes.

She was jumpy all the time. She cringed when friends hugged or touched her. Only a few people knew about her ordeal.

Nancy and Steve Ziegenmeyer's relationship had had its rocky moments over the years, but now it was growing stronger as they leaned on each other, each trying to cope with separate agonies.

Nights were the hardest. Sometimes she'd doze off, only to have Steve wake her from a nightmare that caused her to pound on him over and over.

She was afraid to get up in the dark to use the bathroom, so she'd ask Steve to take her. He became her strength, her pillar.

"Some of it might have been an inconvenience," Steve said, "but the circumstances dictate a lot of patience. I've been in fights in a bar before and been beat up. That isn't even similar in any way, shape or form."

"When we made love, he was very careful," Nancy said months later. "He held me. If I cringed, he always asked — he still asks — was he doing something that reminded me of the attack."

It made Steve angry to hear people talk of rape as though somehow it was the victim's fault.

"It's just so damned ignorant," he said.

Jan. 12, 1989. Bobby Lee Smith was arraigned on the charge of kidnapping and raping Nancy Ziegenmeyer, and the trial was set for March 15. He remained in jail in lieu of \$100,000 bond.

Jan. 19, 1989. The Ziegenmeyers received a statement from Mercy Hospital Medical

Center for \$600.80 for emergency services rendered Nov. 19, 1988.

"This is your final notice," the statement read. "Unless paid in full immediately, we will place your account with our collection agency."

They disregarded the statement. The bill would be taken care of, they knew, because Iowa law says, "The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be borne by the state Department of Health."

Nancy Ziegenmeyer was learning a lot about laws and legal proceedings and victims' rights.

She pored over law books at the Grinnell College library. She spent hours on long-distance phone calls to Polk County Victim Services counselor Dee Ann Wolfe. She started a notebook of any information she could find on victims of sexual assault. She wrote to network television news programs, asking for transcripts of segments pertaining to DNA "fingerprinting."

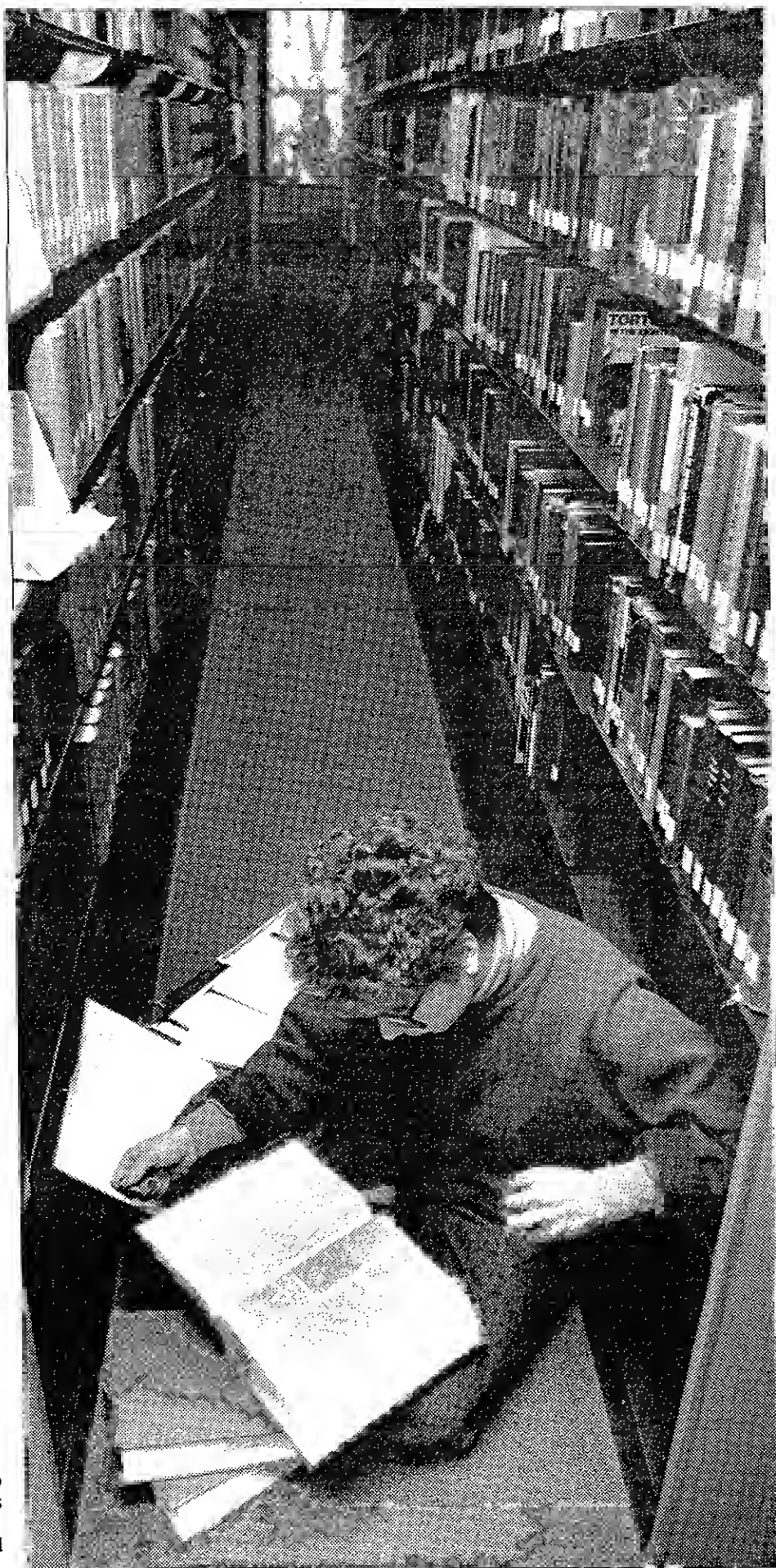
She didn't know what she would do with all that information, but she was sure of one thing.

"I'm going to fight like hell not to be a statistic," Ziegenmeyer said. "I'm a person."

Feb. 21, 1989. Ziegenmeyer was called to the Polk County Courthouse in Des Moines to give a deposition, a testimony under oath. She was questioned for 49 minutes by public defender John Wellman, counsel for accused rapist Smith. Her statements would be transcribed, notarized and stapled into a neat package.

It was the first time since the assault that she had seen Smith. They sat at opposite ends of the table. Ziegenmeyer was afraid to look directly at him, so she stole glances from the corner of her eye.

"May I take a break, please?" she asked Wellman twice.



Nancy Ziegenmeyer spent a lot of time in the law section of the Grinnell College Library, studying assault cases to help her cope.

A short break was taken each time, so the witness could collect herself.

**March 6, 1989.** The first of what would become an agonizing list of delays was triggered. Wellman asked to withdraw as defense counsel, citing a conflict of interests with another case. Roger Owens was appointed counsel for Smith, referred to in courthouse files as "the above-named indigent defendant."

One week later, the defendant, still in the Polk County Jail, waived his right to a speedy trial. The trial was moved from March 15 to June 7, so the new defense counsel could prepare his case.

**Mid-March 1989.** The threats her assailant made on the day of the rape were real, Ziegenmeyer feared. His cohorts had taken her little boy.

Her son had only two blocks to walk from the school bus stop, and he was always home by 11:25 a.m. But it was now 11:30, and she was in a panic. She called every playmate's home along the way, but he wasn't anywhere to be found. She called a neighbor to watch the other children and jumped into her car to go looking.

She called Steve, and he told her to phone the school. She was told the boy had boarded the school bus on schedule, and the driver was radioed.

The youngster was safe. Laughing and playing with his friends, he hadn't realized he had passed his stop.

**Late March 1989.** Cathy Burnham and her husband, Keith, had become friends with the Ziegenmeyers when the Burnhams moved to Grinnell in the summer of 1988. They were two of the few people who knew that Nancy Ziegenmeyer had been raped.

The news was especially upsetting to 32-year-old Cathy Burnham, and she supported her friend in every way she could. Now, watching Nancy's emotional struggle, she decided finally to share the secret she had carried with her since she was 19: She was a rape victim, too, but she had never reported it, never gotten counseling to deal with it.

#### Running From . . . What?

"I didn't know it would help," Burnham said. "I think I just shut it out of my mind. If I had been as strong-minded as Nancy, I would have talked about it."

For years, she said, she had dreams in which she couldn't figure out whom she was running from. "Talking to Nancy really helped me. The dreams have stopped, and now I've told others. It's like a ton of bricks off me," she said.

Burnham encouraged Ziegenmeyer to crusade for victims' rights. "Somebody has to do it," Burnham said. "She's just the strong one."

"That guy picked the wrong woman this time."

**April 26, 1989.** Assistant Polk County Attorney Nan Horvat believed she had enough

***"Talking to Nancy really helped me. The dreams have stopped, and now I've told others. It's like a ton of bricks off me."***

— Cathy Burnham

raped at age 19, she had never reported it, never gotten counseling

evidence from Ziegenmeyer's exam at Mercy Hospital immediately after the rape to use something called "DNA fingerprinting" in the case.

DNA — deoxyribonucleic acid — carries the unique genetic code of each human being, Horvat explained to Ziegenmeyer. Anything from the rapist's body — seminal fluid, blood, hair or skin — was like a calling card. But it was a new and controversial concept, and, at that time, had never been used successfully as evidence in Polk County.

Ziegenmeyer's clothes, underwear, fingernail clippings and vaginal swabs had been sent to Washington, D.C., where an FBI forensic scientist named Harold Deadman eventually concluded the DNA in Smith's blood was the same as that found in the specimens taken during Nancy Ziegenmeyer's hospital exam.

Now, at a routine hearing in Des Moines, the defense was requesting prosecutors to produce evidence that it needed: medical records, oral and written statements and information regarding the credibility of the state's witnesses — especially the DNA scientists.

Unbeknownst to Ziegenmeyer, complications in the case loomed.

**May 31, 1989.** The defense needed more money, specifically for its own experts to analyze the DNA samples. The court approved that request and another for the appointment of a second defense lawyer, Cynthia Moisan, to assist on DNA matters.

For the second time, a continuance was granted. The trial was moved from June 7 to Aug. 14.

Ziegenmeyer was frustrated with the delays. It wasn't fair to the victim, she thought, to have to put her life on hold, waiting for a trial.

Defense counsel Owens disagreed. He had long objected to legislators who favored hurrying the legal process, because haste could jeopardize the defendant's right to a fair trial.

#### Taking Too Long?

"In my eyes, the Constitution is bigger than any victim, or any crook," he said. "Justice takes time, and those people who try to speed up the system in the name of vic-

tims are political whores.

"This is the best system in the world. I'm sorry it takes too long. But what's the hurry to put people away? I can understand protecting society, but he's in jail. He's not going anywhere. What's the bitch about a life sentence taking too long?"

**Summer 1989.** A woman from an Iowa City collection agency called wanting to know Ziegenmeyer's intentions regarding payment of an overdue account with its client, Mercy Hospital Medical Center.

Ziegenmeyer knew the health department was supposed to pay for her medical exam after the rape.

"The person responsible for those charges is in the Polk County Jail," she angrily told the woman. "If you want your money, go to him."

**July 21, 1989.** Prosecutor Nan Horvat was back in court, arguing for one trial for three related cases: the kidnapping count in Ziegenmeyer's case, a kidnapping count against Smith in the case of an Indianola woman assaulted two days before Ziegenmeyer, and a theft charge against Lisa Davis, who was accused of pawning wedding rings taken from Ziegenmeyer during the rape.

She lost, and Ziegenmeyer's case would be delayed a third time. Davis would be tried Sept. 13; Smith would be tried Aug. 23 in the Indianola case. The lawyers now had until Sept. 15, instead of Aug. 14, to prepare their cases for the trial involving a victim identified only as "N.Z."

**July 31, 1989.** Nancy Ziegenmeyer was in tears. Eight months had passed since she was assaulted and persuaded to report the crime. Eight months since she became a victim. And the end to her emotional ordeal was nowhere in sight.

What was happening to her at the hands of the legal system was an outrage, she thought.

Ziegenmeyer flipped through her black notebook, now bulging with clippings and other information on victims' rights. She had so diligently compiled that information, but for what? What good did all this stuff do, anyway?

"Rape is an American shame," she read from an article by Des Moines Register Editor Geneva Overholser. "Our society needs to see that and attend to it, not hide it or hush it up. As long as rape is deemed unspeakable — and is therefore not fully and honestly spoken of — the public outrage will be muted as well."

Ziegenmeyer picked up the phone and nervously dialed the editor's number.

"I'm so mad at the court system," she later told Steve. "But where else but in America could I walk into a newspaper and say, 'I want people to know my story?'"



## IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

# Weeks, months drag on with no trial: 'Is this really worth it?'

By JANE SCHORER

Register Staff Writer

How do you explain rape to a child? If a stranger touches you in your private areas, it's naughty, Nancy Ziegenmeyer told her kids.

Ten months after being raped in a Des Moines parking lot, Ziegenmeyer was still afraid to answer the door at her Grinnell home, afraid to talk to strangers. Her 5-year-old daughter was sensing the fear. Post-traumatic stress, the experts called it. Ziegenmeyer considered taking her little girl to a counselor.

"I would never have imagined that it would affect my whole family like this," she said softly.

She also never could have imagined what was yet to come.

Aug. 23, 1989. Bobby Lee Smith, the man accused of raping Nancy Ziegenmeyer, and Lisa Davis, accused of pawing the wedding rings stolen from Ziegenmeyer during that attack, were married in early August.

The groom remained in jail. His trial on the charge of kidnapping and sexually assaulting an Indianola woman was to have begun, but a police officer the defense wanted to testify was unavailable.

That trial was rescheduled for Oct. 18. So the trial in Ziegenmeyer's case, first scheduled for March 15, now would be delayed a fourth time — until at least December.

Sept. 11, 1989. Nancy Ziegenmeyer's house was always spotless on her "down" days, because she used cleaning as an outlet for her emotions. She was scared — not frightened-scared, but anxious-scared.

Three seasons had passed since her attack Nov. 19, 1988. Now it was finally time for things to start happening. First would come Lisa Davis Smith's trial involving the wedding-ring theft. Smith told police she bought the rings for \$10 from a Hispanic couple at a convenience store because the couple needed money for gas; Ziegenmeyer was to testify that the rings were stolen from her by the man who raped her.

She lay awake at night thinking about the trial, and when she got up, Steve Ziegenmeyer got up with her. She baked cookies at 3 a.m. And she cried a lot.

Sept. 13, 1989. Ziegenmeyer had made arrangements for others to handle her child-care business so she could go to Des Moines

to testify at Lisa Davis Smith's trial. Steve took the day off work to be with her.

But at the last minute, they were told not to come until they received further word. The Ziegenmeyers sat by the phone, waiting.

Finally, the call came — Lisa Davis Smith had pleaded guilty to a lesser charge, avoiding a trial.

Relieved she wouldn't have to testify, Ziegenmeyer also was angry that she had ridden an emotional roller coaster for nothing. "I feel defeated," she said. "I ask myself a lot of times, 'Is this really worth it?' In my head I know it is, but what it does to your life..."

What she needed, her friends thought, was to get out of the house more. They persuaded her to join a Friday night bowling league, and she had to admit that it felt good to have fun again. But she was terrified of returning to her car in the dark. She begged a friend to walk with her.

It would be easier to stay home, she thought, and maybe take in a little television. Funny, though, how there seemed to be so many crime shows on TV. She burst into tears watching a victim of a grocery-store robbery portrayed on the program "911."

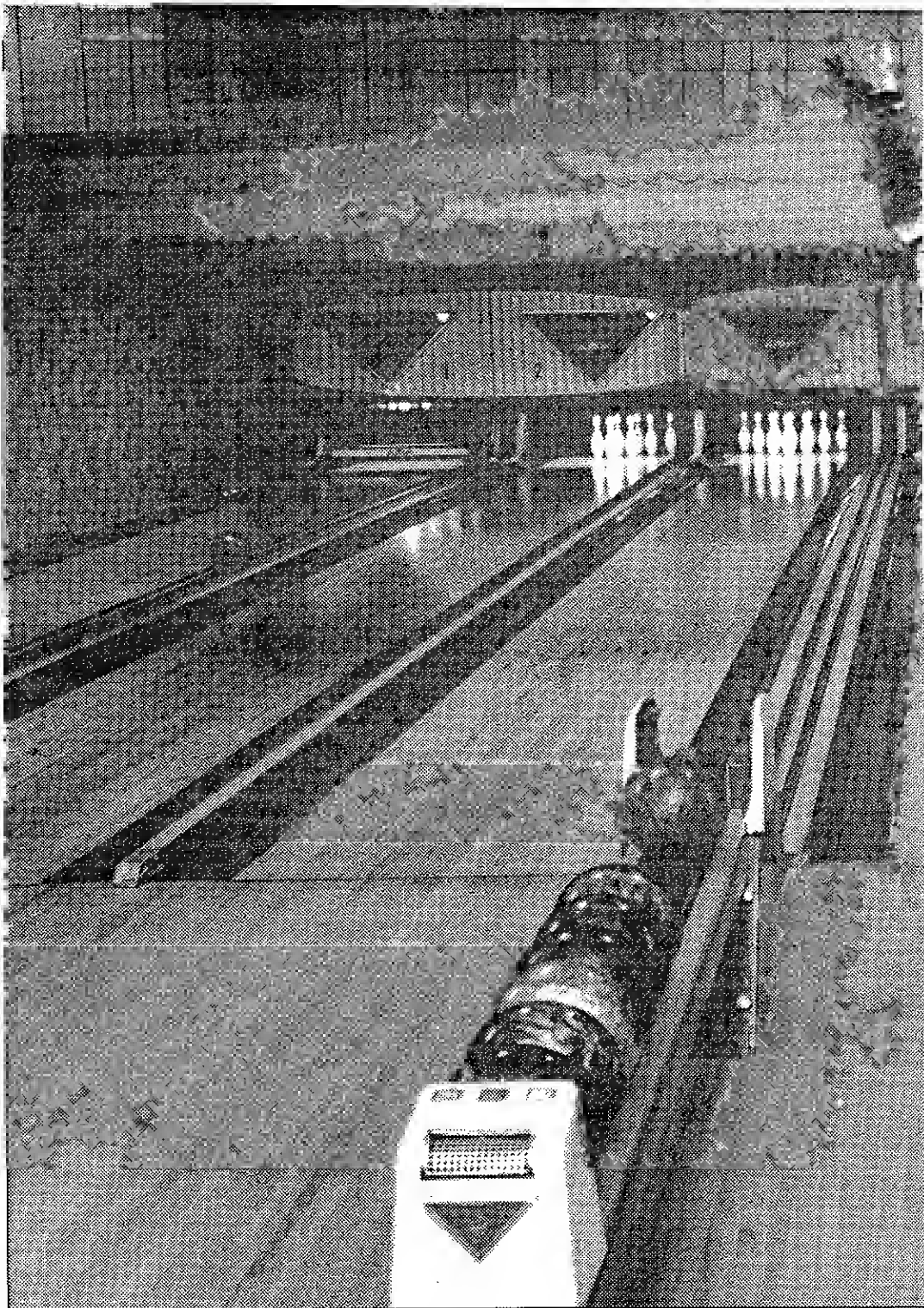
"I'm not given a chance to have this wound heal," she said, "because every time you turn on the TV you hear it's happened again."

Sept. 20, 1989. Ruth Gresham, an Ohio State University counselor for student victims of rape, was coming to Grinnell College to conduct a seminar. Ziegenmeyer was eager to go, and she planned to seek a private interview with the expert.

She had been debating whether she really wanted to be an activist for the rights of rape victims. But she hoped that the good feeling of touching someone else's life in a positive way might help lessen the negative feelings the rapist had given her that November morning.

Steve was all for it. "You're going to live with this every day for the rest of your life anyway," he said, "so maybe if you were helping others it would be better."

It was good to be able to talk to Steve again. He had been acting distant since the last court hearing. They had an awful fight: What was he supposed to do about vacation? he asked angrily. He'd been saving it to take



Nancy Ziegenmeyer jumps for joy at a Grinnell howling alley after rolling a strike. Bowling let her ha

when it was time for the trial, but now the trial wasn't until at least December.

"I can't feel what he's felt," she said. "I can only imagine."

Sept. 22, 1989. In an hour-long talk after her seminar, Gresham told Ziegenmeyer she was not a rape victim; she was a rape survivor who did not let her assailant make her a statistic. Very few people can go on and help others, she said, and that is the key to recovery and healing.

For the first time in almost a year, Ziegenmeyer saw some hope for her future. She hadn't returned to take the real-estate licensing exam, because she knew she could never make a career of showing vacant homes to strangers. But maybe there were other rewarding things she could do with her life.

Sept. 26, 1989. Another hearing. Another continuance of Criminal Case No. 41733, State of Iowa vs. Bobby Lee Smith.





ain, hut she dreaded the walk to her car.

This time the delay involved the analysis of DNA "fingerprinting" the prosecution wanted to use as evidence. But this genetic coding was a new and complex concept.

FBI experts said their analysis of the DNA pointed to Smith as the rapist. Defense lawyers wanted their own experts to review the FBI's work, but they couldn't get necessary information from the FBI.

Defense attorney Roger Owens didn't believe in DNA evidence, anyway. But prosecutor Nan Horvat persisted.

"I have a feeling if we went back and got the history of getting plain old fingerprinting into courts . . . it would be the same situation," Horvat said. "We have to do it right."

Ziegenmeyer was getting angry. And bitter. "I'm just tired of it, very tired of it. I don't want to play this game anymore," Ziegenmeyer said.

"I'm more of a victim of bureaucracy than I was of Bobby Lee Smith. At least he didn't do this to me for months. He didn't do it to me and then two months later come back

and do it again."

Maybe she should never have let the nurse at Mercy Hospital call the police, she thought.

"If someone would ask me today whether I would report another rape, I really don't know," Ziegenmeyer said. "I'm still afraid of people. I can't honestly say I'd go through this hell again, because it doesn't make the fear go away."

Ziegenmeyer was angry at the American legal system — every aspect of it. "My taxes

pay for this guy to be represented," she said of Smith's lawyers.

She was angry at the lawyers, who didn't seem to understand what this ordeal was doing to her. "They aren't people," she said. "It's a profession. They aren't people until they get off work."

She was angry about lenient treatment of criminals. She had always supported capital punishment for severe crimes. Now, she believed in it all the more passionately.

Friends listened patiently. It was not a smart thing to do to get Nancy Ziegenmeyer started on her views about capital punishment. Eventually, the anger turned to tears, and she talked about what Steve's reaction might be to the latest delay.

"I'm almost afraid to tell that man," Nancy said. "There is nothing he can do. He has to watch me go through this, and there is nothing he can do."

The Ziegenmeyers had never been religious people, but Nancy did believe that God gives everyone situations from which they can learn to be better people.

She thought back over her life, of mistakes she'd made and decisions she regretted.

"Where is the point," she asked softly, "where I can say, 'God, I have learned my lesson'?"

The trial now was scheduled for Jan. 22, 1990. But even that would not be the final delay.

**Oct. 6, 1989.** Life doesn't get put on hold just because a trial does.

One of the Ziegenmeyer children needed some tests done at Mercy Hospital Medical Center, and the accounting department questioned Nancy about a long-overdue balance. The old charges were for services rendered Nov. 19, 1988, the records showed.

The kids were demanding, other relatives were getting on Steve's and Nancy's nerves, and there were some new baby kitties — Snowball, Spot and Silver — that needed to be fed with an eye dropper.

"I can't take any more of this," Steve yelled, and he went out drinking with the guys.

**Oct. 18, 1989.** The trial of Bobby Lee Smith on charges of kidnapping and raping an Indianola woman finally began.

Nancy Ziegenmeyer was nervous. If Smith were found guilty, he'd be off to prison for life; then there was a possibility he wouldn't even be tried in her case.

"After all the hearings I've been through, I'm going to be really mad if I don't get my day in court," she said. "I want to be able to sit there and make him realize what I felt."

Smith's first trial took less than two days. The evidence against him wasn't concrete. The jury found him innocent Oct. 19, 11 months to the day since Nancy Ziegenmeyer had been attacked.

## IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

# Learning to cope: With pain and the legal system

By JANE SCHORER

Register Staff Writer

The warm, comforting colors of last autumn faded too quickly for Nancy and Steve Ziegenmeyer. They stole one afternoon to drive north with their children and view the turning leaves. Soon, it would be one year since Nancy was kidnapped and raped in a Des Moines parking lot.

In late October, a panel of journalists, counselors, lawyers and police gathered in Des Moines to discuss how news media coverage affects crime victims.

Nancy Ziegenmeyer sat in the front row of the auditorium, next to Steve. Never again would he allow Nancy to travel from their home in Grinnell to Des Moines alone.

A small-town homemaker and a mechanic amidst a crowd of big-shot personalities, the Ziegenmeyers had come to listen to professionals talk about crime victims. When a panelist referred to sexual abuse, "or rape, as we used to call it," Nancy bristled. She hated the terms "sexual abuse" or "sexual assault." Rape has nothing to do with sex, she knew; it has to do with violence.

When another said, "The best way to fight the stigma of rape is to inform," Nancy squirmed.

"What the hell do they know about it?" she wondered. "These professionals don't understand there's not a day goes by that you don't relive it; that you don't wake up in the night and you're lying in bed with your husband and you're scared. Because your mind isn't entirely sure the person next to you might not be that rapist."

Being a victim is losing control of your life at the hands of another, she felt. Recovery is the sense of regaining that control. When victims open the paper and see something about themselves that they hadn't expected to be there — particularly their names — it takes away that control.

Let it become the norm for victims to speak out she thought but let it be their decision. Would she be able to hold her tongue through all this?

Finally, Nancy Ziegenmeyer rose to speak.

"I am a rape victim," she said shakily. The auditorium was hushed.

She was a paradox, this petite woman who was willing to expose her own ordeal to protect the rights of other victims in a world not ready to talk about reality.

When she was finished, the stunned audience respectfully applauded her.

**Nov. 19, 1989.** The rape was one year ago. Steve sent the kids off to be with Nancy's mother, and Nancy got dressed up so they could go out for a special dinner to take her mind off the memories.

"It didn't work, but I didn't tell him that," Nancy said.

It was a difficult anniversary. She watched the clock, thinking of where she was at each hour a year earlier.

The day dragged on, and she tried to keep busy.

"I've taken a lot of showers this weekend," she said.



Nancy Ziegenmeyer prepares for her trial testimony with prosecutor Nan Horvat.

**Nov. 20, 1989.** There were more troubles with the DNA, a controversial new scientific test prosecutors hoped to use to prove fluids found on Nancy Ziegenmeyer's undergarments were those of Bobby Lee Smith, her accused assailant.

Prosecutors were under court order to give defense lawyers material their experts in California could examine. But the FBI, which conducted the DNA test, was dragging its feet. If the FBI refused to comply, the trial might begin in December without the DNA evidence. If they did comply, the trial could be delayed a fifth time.

Suddenly Ziegenmeyer was frightened. Without the DNA evidence, the case would rest even more heavily on her testimony.

She worried about being a good witness. "I always have been able to appear calm on the outside when I'm dying on the inside. But it's going to depend on me if they don't use the DNA."

Except for continuing nightmares, Ziegenmeyer felt she was coping well with the rape itself. But the legal system was draining her.

"They keep doing it over and over, and I don't know how to not let that affect me. It has nothing to do with justice. The guy with the most toy soldiers wins."

**Nov. 24, 1989.** Now, Bobby Lee Smith was getting frustrated. In a hand-written appeal to Judge Anthony Critelli, he asked that there be no more delays.

"... (The prosecutor) Ms. Horvat says the victim wants to get on with her life," he wrote. "What about me? I am the victim accused of the crime. I was working full-time at a very respectful place. I have a wife and 5

sons (12, 10, 8, 4 and 2) who need me as much as any other child needs a father. ...

"Sir, I have been through a lot in the last year emotionally and I am the alleged defendant and going through this emotional roller coaster. ...

"Your Honor, I ask when is 'Enough enough?'"

**Nov. 28, 1989.** Christmas was less than a month away, and the Ziegenmeyers had done no shopping. Every day the pressures seemed to mount.

"Are you OK?" asked the mother of one of the children for whom Nancy Ziegenmeyer cared. "You look so strung out."

She took her son to the doctor. The boy was fine, but the doctor was worried about Nancy.

"You look terrible," he said. Her blood pressure was high, and she was physically exhausted.

Her former employer, Darlene Campbell, ran into her one day and was disturbed at how she looked. "This thing's changed Nancy," Campbell said. "She jumps if someone touches her. The old Nancy wasn't scared of anything."

**Dec. 15, 1989.** Ziegenmeyer bowled a 474 three-game series and was ecstatic.

She slept a bit, and dreamed she went to talk to Iowa Attorney General Thomas J. Miller. In the dream, Miller hired her to speak for him on victims' rights.

"It was so good I had to wake Steve and tell him about it," she said.

**Dec. 18, 1989.** "Bobby Lee Smith isn't on trial anymore," Ziegenmeyer said. "The

DNA is on trial."

There was another hearing; witnesses were flown in from both coasts to testify.

The Ziegenmeyers sat in the background listening. Smith was present, and Nancy stared at him. He didn't look at her.

"It doesn't get any easier to see him," she said.

It occurred to her that every day it became more of a reality that he could go free. Legally, she was up against a wall. The state couldn't appeal an innocent verdict.

The judge was growing impatient. He reminded the lawyers that even though the defendant had waived his right to a speedy trial, he had been sitting in jail for more than a year while they bickered about the reliability of DNA as evidence.

The day's events upset Ziegenmeyer. "Do you know what it's like to sit in a courtroom for four hours and listen to three or four men talk about your 'panties'?" she asked, crying. "Why couldn't they say 'undergarments'?"

**Dec. 25, 1989.** Christmas Day. Supposedly a joyous time, but Ziegenmeyer didn't feel like celebrating. She cried for a while in the morning, then looked around her at all the people who loved her and cared about her and supported her.

"Why isn't that enough?" she wondered. If she had five minutes alone with her assailant, she would ask him why he picked her to attack.

Steve Ziegenmeyer had other ideas of how he would spend five minutes alone with Nancy's assailant. "There's one good, permanent way to cure this," he said, "but that ain't necessarily according to the law, either."

**January 1990.** Almost 14 months after Nancy Ziegenmeyer was kidnapped and raped, the man charged with the crime was about to be tried at the Polk County Court-house.

Ziegenmeyer was a witness in Criminal Case #41733, State of Iowa vs. Bobby Lee Smith. She would testify first, then her part would be done. Prosecutor Nan Horvat asked her not to remain in the courtroom during the trial, but agreed that she could be there when the verdict was read.

Finally the time had come, but Nancy did not feel happy. "I'm just numb," she said. "There aren't any more tears left to cry."

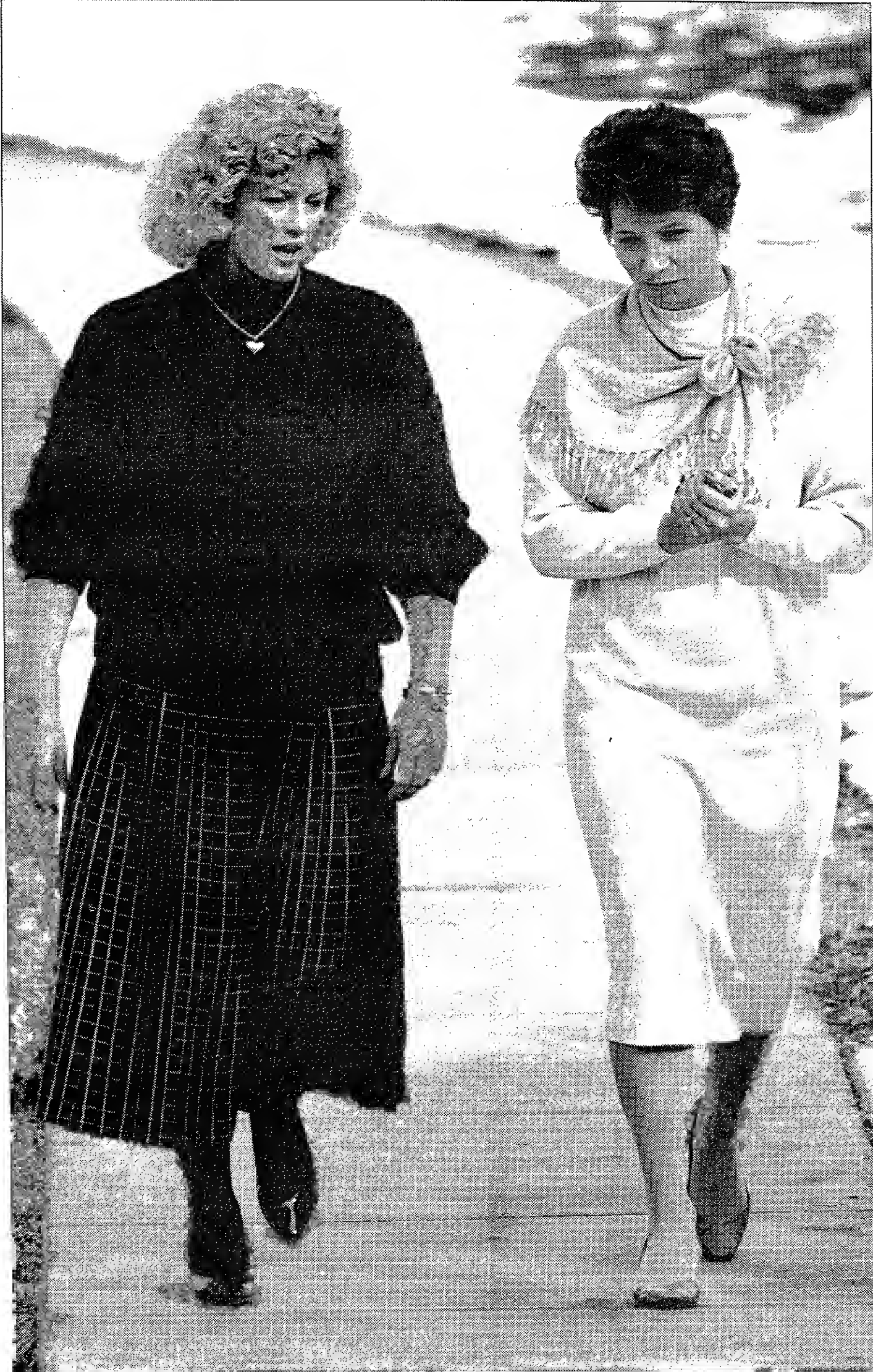
**Jan. 15, 1990.** Why did Charles Stuart have to pull this crazy stunt now?

Stuart, a bright young Boston businessman, committed suicide after authorities discovered he'd shot his pregnant wife and himself, then lied about a black assailant. Across the country, people were outraged.

A weary Nancy Ziegenmeyer defended her own accusations against a black man. "This hasn't got anything to do with race anymore," she said. "It doesn't even have anything to do with rape anymore. It has to do with the legal system."

That evening, Ziegenmeyer hopped in her





Rape counselor Dee Ann Wolfe, left, helped Nancy Ziegenmeyer cope.

car and inserted the key in the ignition. For what seemed like the thousandth time she noticed the unreachable traces of white dust around the instrument panel, left from the police fingerprint search.

Ziegenmeyer and her friend Cathy Burnham drove to Des Moines to attend a meeting of a support group for rape victims. It had been several months since Ziegenmeyer last was there, and it felt good to share her feelings with people who understood. But when she returned to Grinnell, the good feelings faded fast.

There had been a phone call, said Nancy's mother, who was baby-sitting. A male voice on the line wanted to talk to Steve. When asked who was calling, the voice gave the name of an area lawyer, then hung up.

Nancy was uneasy about such an odd call, especially since her number is unlisted.

The phone rang again. She answered, and a male voice asked for Steve.

"Meet me at 9:30 in front of the Grinnell State Bank," the voice said, and hung up.

Someone apparently wanted Steve out of the house. Steve called police, and they rushed to the Ziegenmeyer home. There was no one in front of the bank.

•  
**Jan. 16, 1990.** Steve and Nancy pulled their children out of school.

It was too close to the trial for coincidences, and detective Ralph Roth of the Des Moines Police Department didn't like the strange phone calls one bit.

He talked with Grinnell police and immediately ordered a tap put on the Ziegenmeyer phone.

Nancy talked to the kids' teachers. "I'm not sending them back until this trial is over," she said.

She pulled her drapes and deadbolted the doors. She was scared to death.

"When it was just me, that was fine," she said. "But now it's Steve and the kids, and if anything happens to them, I couldn't stand it. I just want it to be over. I don't even care if he goes to prison anymore. I just want it over."

"Even the worst person on earth shouldn't have to go through this."

She wept openly, surprised at herself because she had thought there were no tears left.

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**Jan. 18, 1990.** Another continuance, the fifth one, was granted. Depositions were being taken from the expert witnesses, and they were not completed yet.

The trial was now set for Jan. 24.

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**Jan. 22, 1990.** Nancy and Steve sent their kids back to school. Who could tell how many more times the trial would be delayed?

"This last week seemed like a lifetime," Nancy said. "Two more days is another half a lifetime. (Bobby Lee Smith) has a criminal record, but he's the one with all the rights. I haven't even had a parking ticket. What about my rights?"

## IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY

# And finally, the trial begins

By JANE SCHORER

Register Staff Writer

On Jan. 24, 1990, 431 days after Nancy Ziegenmeyer was raped in a Des Moines parking lot, the time had come to decide if Bobby Lee Smith was the man who did it.

Prospective jurors — grandmotherly looking women, men in business suits, women in sweat shirts and a man with one hand — milled about the corridor of the Polk County Courthouse, waiting for jury selection to begin.

Nancy and Steve Ziegenmeyer had left their home in Grinnell early to spend the day at the courthouse. Nancy sat on a red-cushioned bench away from the crowd. Steve, in his usual Western boots, plaid shirt, denim jacket and jeans, stayed close beside her. So did Polk County Victim Services counselor Dee Ann Wolfe, whose job was to be with Nancy during the trial, if Nancy wanted her.

Whom would the Ziegenmeyers select for jurors if they had a choice?

"Somebody who has a wife and a daughter," Steve said quietly.

Jury selection began at midmorning. Prosecutor Nan Horvat instructed the candidates to excuse themselves if they knew anyone involved in the case.

"We just want to be fair to both sides," she said.

Defense attorney Roger Owens briefly explained the trial process to the would-be jurors. "If the State of Iowa cannot prove something within a reasonable doubt," he said, "then the cards fall where they may, do they not?"

The prospects were narrowed. A woman was excused — she had a plane trip planned and had gotten a good deal on non-refundable tickets. A man involved in an important project on his job was excused. He also had read a newspaper story about the pending trial, which courts say can bias a juror.

A woman who once was sexually assaulted was excused, as was a retired missionary. Finally, there were 12 jurors: six men and six women, all white. The alternates were a black man and a white woman.

Judge Arthur Gamble dismissed the jurors for the day; the trial would begin at 9 the next morning.

The courthouse is a handsome building, Ziegenmeyer thought. Gamble's courtroom was on the third floor, and Ziegenmeyer climbed the sprawling brass-railed stairways instead of using an elevator.

"I'm always afraid of who might be standing there when the doors open," she explained.

Ziegenmeyer watched as Roger Owens bounded up the steps. She had developed a particular dislike for the man because, she supposed, he represented a less-than-perfect legal system. She had watched him operate at the hearings, and he terrified her. What horrible questions was he going to ask her on the witness stand?

Kind, caring Ralph Roth — the police detective who had investigated the case — came by to offer encouragement.

"He's always been like that," Ziegenmeyer-



Nancy Ziegenmeyer is comforted by Steve Ziegenmeyer outside the courtroom.

er said. "He told me, 'You can always call me.'"

Later in the day, Lisa Davis Smith, wife of the defendant, told the lawyers she wanted to exercise her Fifth Amendment right to refuse to testify on the ground that her testimony might incriminate her. But Horvat wanted her on the witness stand; she wanted the jury to hear Lisa Smith's story about buying a set of wedding rings from a Hispanic couple who needed money for gas.

Lisa Smith was granted immunity; any self-incrimination in connection with the

theft of Ziegenmeyer's rings wouldn't matter.

Ziegenmeyer was furious.

"Can I have immunity, too?" she asked.

"No," Horvat answered patiently. She was tired and had hours of work to do before opening statements the next morning.

"Why not?" Ziegenmeyer demanded. "She's a witness. I'm a witness, too."

"But your rights are different than hers," Horvat said.

Jan. 25, 1990. Nancy Ziegenmeyer walked slowly toward the courtroom, prosecutor

Horvat on one side and counselor Wolfe clutching her arm on the other. She was shaking noticeably.

"Every organ in my body is tied in knots except my bladder, and it's working overtime," she joked. Those around her laughed nervously.

Dressed in her good black suit, Ziegenmeyer was ready to testify. This was the moment she had awaited so long: her chance finally to tell a jury what that man had done to her.

She swore to tell the truth, and spelled her last name for the record. It occurred to Wolfe she might not make it through "Ziegenmeyer."

Wolfe had heard many rape victims' testimonies — too many — and she knew this would be an ordeal. But Ziegenmeyer was strong, smart and determined — and most of all, brave.

The prosecution asked Ziegenmeyer to tell about the assault.

Horvat was slow and gentle with the questions, but still Ziegenmeyer faltered. Her voice trembled, and she made mistakes. The assailant left her car around 8:30 a.m., she said. The lawyers backtracked to clarify that the time on the dashboard clock really had read shortly past 7:30 a.m.

She began to cry.

Bobby Lee Smith appeared emotionless as he sat at the defendant's table, while some of the jurors quickly wiped away tears.

Steve Ziegenmeyer stared straight ahead, jaw set, arms folded across his chest.

Wolfe quietly drew a deep breath.

Good God, Nancy, no one should have to be this brave.

Jan. 26, 1990. "You know you've been here too long when everyone in the courthouse calls you by name," Ziegenmeyer quipped. In two days' time, she had made friends with lawyers, secretaries and sheriff's deputies who patrolled the halls.

Ziegenmeyer's gaze moved from the cold marble floor to the chandeliers overhead. How many people had walked into this building over the decades, she wondered, and left with their lives changed forever?

"If Bobby Lee Smith is convicted," an inner voice reminded her, "he will leave this courthouse to face a life in prison without a chance of parole. He will never again enjoy the little day-to-day things others take for granted."

Roger Owens stopped by, catching her by surprise.

"Mrs. Ziegenmeyer," he said, "I'm very sorry about what happened to you. But I'm just doing a job in defending Bobby Lee Smith."

Ziegenmeyer was puzzled over Owens. She had expected him to make her look awful on the witness stand, to imply that the attack was her fault. But really he hadn't been too hard on her. Perhaps he decided it wouldn't be wise to pressure her in front of a sympathetic jury.

The trial recessed early. Judge Gamble and the lawyers still had some talking to do



about permitting expert testimony on DNA.

The kids were surprised to see Steve and Nancy home so soon. "Is it over, Mommy?" they asked. "Is he in prison now?"

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**Jan. 29, 1990.** It was Nancy Ziegenmeyer's 29th birthday.

How depressing to be almost 30, she thought, convinced that there were new wrinkles in her face. All her new courthouse friends congratulated her. So did Owens.

The kids had been monsters over the weekend, and she had been restless. At the grocery store on Saturday she could feel eyes watching her. Several people asked how she was doing.

She had figured that would happen. In a small town word travels fast, even though newspaper stories about trials don't print the victims' names.

"I feel like a widow," Ziegenmeyer said. Friends wanted to say something to make her feel better, but they just didn't know what words to use. "And they always end up saying the wrong thing."

Steve had never talked at work about the rape, but now everyone knew. Over the weekend, a co-worker had coyly asked him how he was enjoying his vacation.

"I'd rather be working," Steve replied.

The jury members fought boredom as they waited through another recess while the judge and lawyers privately discussed DNA testimony, which prosecutors hoped to use to prove that fluids found on Ziegenmeyer's body and clothing the morning of the rape were Smith's.

FBI forensic scientist Harold Deadman was to testify that DNA is unique to each person except identical twins, and the probability of error in a match was very low. After months of debate, Owens still objected to the proposed testimony.

"He's saying, 'He's it,'" Owens argued during a hearing after the jury was dismissed. "He's saying 1-in-2.6 billion. That excludes everyone else in this hemisphere."

Finally Gamble decided that Deadman could testify, but that he could not present the phenomenal statistic. The defense had won, in a way. Now, all the expert witnesses it had retained to refute that statistic were not needed.

For months, scientists hired by the defense had requested more time and more information. For months the FBI had battled against providing it. In the end, the defense's expert witnesses were not called to testify.

•  
**Jan. 30, 1990.** Wolfe wasn't able to spend the time with Ziegenmeyer that she had intended; in the past five days, her office had received six new reports of sexual assaults.

Ziegenmeyer sat in the corridor, alone with her thoughts. She could hear the drone of the FBI scientist's voice inside the courtroom, trying to explain to jurors how DNA "fingerprinting" works. She had had plenty of time for reflection.

"I've always been a real strong believer in capital punishment," she said, her eyes fo-



While telling a Polk County jury about the day she was kidnapped and raped, Nancy Ziegenmeyer breaks into tears.

**IT COULDN'T HAPPEN TO ME: ONE WOMAN'S STORY**

After the guilty verdict is read, defendant Bohhy Lee Smith stands as a Polk County deputy starts toward him.





← cused far down the long, empty hallway. "But now, well, you'd just always have to wonder if there wasn't one more thing you could do to help him rehabilitate."

"I still want Bobby Lee Smith convicted, but I think that even with a life sentence he should be given therapy."

Another part of Nancy Ziegenmeyer had begun to heal.

That day Lisa Davis Smith brought their two young sons to the courtroom. They were adorable little boys, Ziegenmeyer thought.

In midafternoon, Bobby Lee Smith took the stand in his own defense.

He was 30 years old and had attended two years of college, Smith testified. He was a convicted felon, but while on parole he worked as a counselor for troubled youth, he said. He was employed by Youth Emergency Services, a private agency hired on contract by the Iowa Department of Human Services.

On the morning of Nov. 19, 1988, he was home caring for his sons while his wife was at the beauty shop, Smith testified. She had awakened him shortly after 7 a.m. when she left the house. He remembered because there was a fire outside his home that day.

Horvat disputed his story. Wasn't it true, she asked him, that he had been out drinking all night before Nancy Ziegenmeyer's rape?

Wasn't it true that he was still dressed in a navy pin-striped suit as he walked home and saw Ziegenmeyer parked in her car, studying her notes?

Wasn't it true that he stole her books and purse, and that the fire reported in a trash can outside his home that morning was really Ziegenmeyer's belongings burning?

Rocking easily in the witness' chair, the impeccably dressed Smith never flinched. He calmly denied it all.

• **Jan. 31, 1990.** In his closing argument, Owens reminded the jury that in Boston a white man had falsely accused a black man of a crime.

Prosecutor Horvat told them Ziegenmeyer's ordeal "has been a nightmare, but it isn't a dream. It happened to a real person."

Judge Gamble told the jury they could find the defendant guilty of first-degree kidnapping or one of seven lesser charges. If they could not do that, they were to find him not guilty.

First-degree kidnapping charges include sexual assault.

While the jury deliberated, Owens spoke to Ziegenmeyer. "I'm glad it's over for you," he said. "And I hope it is over."

Ziegenmeyer couldn't sit still. She took quick puffs on a cigarette in the first-floor cafeteria. She hurried back upstairs, wiping her perspiring palms on the sides of her dress.

In the courtroom, another day's work was drawing to a close. The court reporter chatted with the bailiff about a vacation brochure. Owens phoned a pharmacy to ask how late it was open. He had some things to pick up when he was done there, he said.

The jury reached a verdict in less than 90

minutes.

Ziegenmeyer was determined to see the expression on Bobby Lee Smith's face. She fiddled with her "lucky" necklace — a strand of pearls that had been her grandmother's and her mother's.

"My heart is beating just like when he was raping me," she whispered.

By her calculations, 14 months, 12 days, 10 hours and 40 minutes had passed from the time he opened her car door to when Judge Gamble read the verdict against Bobby Lee Smith:

*Guilty of kidnapping in the first degree.*

It was so quiet in the courtroom Ziegenmeyer was sure people could hear her tears fall. Smith showed no emotion — "He didn't give me that satisfaction," Ziegenmeyer said later — but some of the jurors were crying. It is not an easy thing to put a man away for life.

In the corridor, courthouse regulars were surprised to see the judge congratulate the crime victim. Gamble told her, "I hope very much that everything works out for you."

A sheriff's deputy led Smith away in handcuffs, and suddenly Nancy Ziegenmeyer began to sob for his two little boys.

*He would not kill her, the rapist had said, because he knew what it was like to grow up without a parent.*

"Why didn't he think of them?" she cried aloud in the crowded hallway.

• **February 1990.** Ziegenmeyer felt she was beginning a new chapter in her life, but she had no idea what to write in it. She was 29 years old, and what had she accomplished?

"I have to set new goals for myself," she decided.

Each day she tackled loose ends, trying to tidy up her life.

She called Attorney General Thomas J. Miller's office to say she would like to do some work in the area of victims' rights.

She telephoned the accounting department at Mercy Hospital Medical Center and its Iowa City collection agency about the overdue charges for her medical exam the day of the rape. Finally, the collection agency agreed that the state Health Department should be billed.

She caught a terrible cold — her first in two years. She supposed her body finally was letting down its reserve.

A check arrived in the mail from the Polk County Courthouse. For testifying in Criminal Case #41733, State of Iowa vs. Bobby Lee Smith, she was compensated \$33.10 for her time and mileage.

Nancy and Steve traveled to Des Moines again last week to file a court-suggested statement telling how their lives had been affected by this crime. Their comments would accompany Smith to prison.

"A statement that has been made about rape — that rape is just short of murder — is in fact an understatement," Nancy Ziegenmeyer wrote. "The person that I was on the morning of Nov. 19, 1988, was taken from me and my family. I will never be the same for the rest of my life."

## How this story of rape came to be

By midsummer of last year, Nancy Ziegenmeyer's black notebook was bulging with newspaper clippings, magazine articles, pamphlets and notes from research in the law section of the Grinnell College library. Everything she could find on the subject of sexual assault victims went into the notebook, because somehow she hoped it would help her wounds to heal. Somehow, she thought it would help her get through the trauma of having been raped.

On July 11, 1989, she added another clipping to her notebook: an opinion piece written by Des Moines Register Editor Geneva Overholser, explaining why newspapers choose not to print the names of rape victims. Yet by maintaining what The New York Times called "one of modern journalism's few conspiracies of silence," Overholser wrote, the media contribute to the stigma, the "enormously unfair onus" suffered by women who are victims of rape.

It is time for those victims to speak up, the editor said, and time for society to listen.

For 20 days Ziegenmeyer thought about that article. Then, on July 31, she telephoned Overholser for an appointment. The American shame involves more than just the

stigma of rape, she told the editor — it also involves the victim's treatment in our legal system.

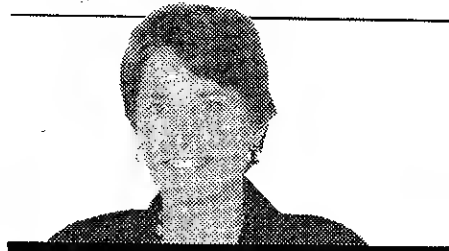
Ziegenmeyer had made a decision. If it could help lift the stigma, if it could make people aware of bureaucratic injustices — if it possibly could spare someone else the ordeal she was suffering — then she would agree to take a public stand.

The terms of the arrangement were that The Register would not publish her story until after the trial of the man charged with the assault. The Register would use her name and photograph and describe her experience in detail. As with other news sources, she would not be paid.

On Aug. 2, Register reporter Jane Schorer contacted Nancy Ziegenmeyer for the first of more than 50 meetings and telephone interviews. From those conversations, and from information obtained through Nancy's acquaintances, Des Moines police officers, the Polk County attorney's office, courthouse files, defense attorney Roger Owens and trial testimony, she has chronicled Nancy Ziegenmeyer's experience.

It is a victim's story.

## GENEVA OVERHOLSER



## A troubling but important set of stories

Many readers will be troubled by the series that begins on Page 1A today, "It Couldn't Happen To Me: One Woman's Story." Troubling our readers is not something we take lightly. I want to explain here why we are risking it.

Nancy Ziegenmeyer's story is an unsettling one partly because it is so uncommon. Writing about rape is uniquely circumscribed. This is a sex crime, and we are a society uncomfortable with sexual references. Rape casts a stigma on its victims. Newspapers therefore generally do not use the names of rape victims, to protect them from further violation.

A troubling consequence of our reluctance to talk about rape is that we rarely confront it directly. The incidence of reported rape grows at an alarming rate in Iowa. Yet the dry recitation of statistics reaches us with little power. We shy away from thinking about rape. We shy away from its victims. We shy away from the consequences it holds for all of us.

I was pondering this last summer, on the occasion of a Supreme Court decision on the openness of information in rape cases. I wrote in a column then, "As long as rape is deemed unspeakable — and is therefore not fully and honestly spoken of — the public outrage will be muted as well."

I said that I hoped that the day would come when women felt they could willingly identify themselves as victims of rape, and speak out in the hope of forcing society to come to terms with it.

Three weeks later Nancy Ziegenmeyer walked into my office. "I want people to know my story," she said.

She meant it. Over the weeks and months thereafter, she told reporter Jane Schorer her story, openly, forthrightly and thoroughly. She showed a courage I haven't seen in 20 years in newspapering, and an unswerving conviction that people ought to know

what it is to have been raped.

The Register covered the trial of Ziegenmeyer's rapist in the customary manner. No difficult details. Her name was never used.

But when the trial was over, Jane Schorer sat down to write a most unc customary story, the story Ziegenmeyer had been telling her over the course of five months.

When Schorer had finished, she handed it to me. I found it uncommonly powerful.

We could have told this story with no offensive language. Many readers will wish we had done so. We could have shortened it, to ensure that it not seem too oppressive. We could have avoided being as open about Ziegenmeyer's thoughts as she was open about them to us, thereby ensuring that no one wince at the invasion of privacy, however willingly offered.

We decided against all those choices. I am convinced that we have a unique opportunity to make a difference. Not with salacious details used gratuitously, but with the truth. I concluded that, were I to meet Ziegenmeyer's courage with my timidity, shy away from offending readers, and render her story more palatable, I would be compounding the injustice. And I would be missing a chance to inform and to move readers in a meaningful way.

So you have, beginning today, a story that is told in a way that some will dislike. The details of the rape itself are spare, but they are not expunged. They are here, because I believe they are an essential part of the power of the story.

We have sometimes offended readers thoughtlessly, and we have regretted doing so. But I believe that the cost of straining reader relations, always to be carefully weighed, is here paid in a good cause.

If you agree, or if you disagree, write and let us know. We will print some of your thoughts in next Sunday's opinion pages, to help readers — and ourselves — know what to make of this unusual story, and of our decision to run it in this form.

My own feeling, in the end, is a hope that, after the initial shock, readers will conclude that there is indeed something unconscionable here, something deeply troubling and offensive — but that the something is not the story, and the way we told it. The something is rape.

One more point: One of the sad facts of this rape case is that the woman is white, the man black. This, unhappily, perpetuates a stereotype that is utterly contrary to fact. The most recent statistics on rape in Iowa show that 7 percent of offenders in sexual-assault cases are black. Nationally, only 4 percent of rapes involve a black man and a white woman. While race was an issue in this particular crime, as some parts of the story show, there is no truth to the cruel stereotype.

## About the author

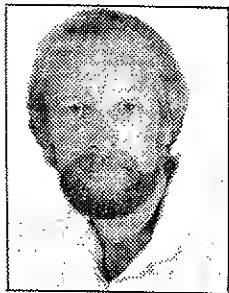


Jane Schorer, 36, a native of southwest Iowa, joined The Register's editorial page staff in 1981, pioneering the company's "job-sharing" flexible work program. She became a full-time feature writer in September 1988.

A journalism graduate of Drake University, Schorer studied psychology and sociology and has won several awards for personality profiles and articles on social issues. She is active in programs providing support for families of alcoholics.

Schorer is the parent of two children, Megan, 9, and Tommy, 6.

## About the photographer



Register photographer David Peterson, 39, joined the newspaper in 1977. He won the Pulitzer Prize for photography in 1987 for a collection of pictures that captured the human face of the worst agricultural crisis since the Great Depression.

He has a degree in art education from Kansas State University and a journalism degree from the University of Kansas.